

## REMARKS

In summary claims 1-28 are pending. The claims are subject to restriction. Claims 1, 4-6, and 8 are rejected under 35 U.S.C. § 102. Claims 2, 3, 7, 9-12, 13, and 16 are rejected under 35 U.S.C. § 103. Claims 14 and 15 are objected to. By this response, claims 1-13 and 16 are canceled. Claim 14 is amended. Claims 17-28 are withdrawn. No new matter is added.

### **Restriction Requirement**

During a telephone conversation with Examiner on December 16, 2005, Applicant's representative was requested to elect between Group I, claims 1-16 drawn to a fuel cell system, and Group II, claims 17-28 drawn to a method for operating the fuel cell. Applicant's representative provisionally elected with traverse Group I, claims 1-16. Applicant's representative affirms the election of Group I, claims 1-16 for further prosecution. Claims 17-28 are withdrawn. Applicant reserves the right to pursue the subject matter of claims 17-28 in one or more divisional applications and/or to rejoin claims 17-28 pursuant to M.P.E.P. §821.04. Withdrawal of the Restriction Requirement is respectfully solicited.

### **Claim Rejections - 35 U.S.C. §102**

Claims 1, 4-6, and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0031692, in the name of Fuglevand *et al.* (hereinafter referred to as "Fuglevand *et al.*"). Claims 1, 4-6, and 8 are canceled.

### **Claim Rejections - 35 U.S.C. §103**

Claims 2, 3, 7, 9-12, 13, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuglevand *et al.* in view of various combinations of U.S. Patent No. 5,658,681, issued to Sato *et al.* (hereinafter referred to as "Sato *et al.*"), U.S. Patent No. 6,893,755, issued to Leboe (hereinafter referred to as "Leboe"), System Management Bus

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PATENT

Specification (Revision 1.1), and U.S. Patent No. 5,976,725, issued to Gamo *et al.* (hereinafter referred to Gamo *et al.*”). Claims 2, 3, 7, 9-12, 13, and 16 are canceled.

**Allowable Subject Matter**

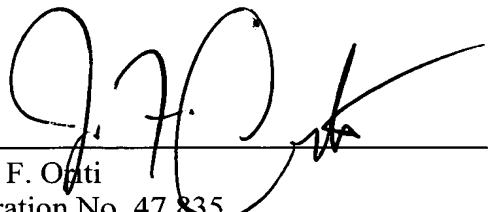
Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 14 is amended in independent form to include the limitations of independent claim 1 and intervening claims 12 and 13. Claim 15 depends upon amended claim 14.

Because claim 14 is rewritten in independent form including all limitations of base claim 1 and intervening claims 12 and 13, it is submitted that claims 14 and 15 are in condition for allowance.

**CONCLUSION**

It is requested that the forgoing arguments, remarks, and amendments be entered, and in view thereof, it is respectfully submitted that this application is in condition for allowance. Reconsideration of this application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow this application for any reason, the Examiner is encouraged to contact the undersigned attorney to discuss resolution of any remaining issues.

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